

**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Set Public Hearing for December 19, 2012 to Extend Interim Ordinance No. 1867, an Uncodified Interim Urgency Ordinance Imposing a Moratorium on 1) The Outdoor Cultivation of Medical Marijuana Within the City of Lodi and 2) The Indoor Cultivation of Medical Marijuana that Creates a Public Nuisance

MEETING DATE: December 5, 2012

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Set public hearing for December 19, 2012 to extend interim Ordinance No. 1867, an uncodified interim urgency Ordinance imposing a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

BACKGROUND INFORMATION: On November 7, 2012 the Council adopted Interim Ordinance No. 1867 establishing a 45-day moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.

Staff recommends that provisions should be added to the City's Municipal Code that place zoning restrictions on the cultivation of medical marijuana within the City if that is the desire of the Council. To do so, however, staff from the City Attorney's Office and the Police Department need adequate time to meet with members of the community, including members of the community currently cultivating marijuana for medicinal needs, and to study and analyze the complicated legal and practical issues involved in regulating the cultivation of marijuana for medical use, including a review the City's General Plan and the zoning ordinances, and to make recommendations for the Council's consideration. Unfortunately, the initial 45 days will be inadequate to prepare a comprehensive approach for Council consideration.

Government Code Section 65858 provides that the Council, may, after notice to the public pursuant to Government Code Section 65090 and a public hearing, extend Interim Ordinance No. 1867 for a period of 10 months and 15 days. The extension requires a minimum four-fifths (4/5) vote to be adopted. (An additional one-year extension is permissible under Section 65858(a)).

As proposed, the recommended extension of Interim Ordinance No. 1867 would extend the current 45-day moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance to November 6, 2013. Without the proposed extension, Interim Ordinance 1822 will be of no further force and effect after December 22, 2012.

FISCAL IMPACT: None.

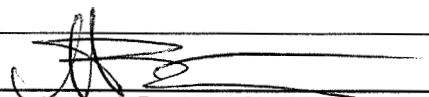
FUNDING: None.

cc: Mark Helms, Police Chief



Janice D. Magdich
Deputy City Attorney

APPROVED:



Konradt Bartlam, City Manager



*Please immediately confirm receipt
of this fax by calling 333-6702*

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO EXTEND INTERIM ORDINANCE NO. 1867, AN
UNCODIFIED INTERIM URGENCY ORDINANCE IMPOSING A
MORATORIUM ON 1) THE OUTDOOR CULTIVATION OF MEDICAL
MARIJUANA WITHIN THE CITY OF LODI AND 2) THE INDOOR
CULTIVATION OF MEDICAL MARIJUANA THAT CREATES A PUBLIC
NUISANCE

PUBLISH DATE: SATURDAY, DECEMBER 8, 2012

LEGAL AD


TEAR SHEETS WANTED: One (1) please

SEND AFFIDAVIT AND BILL TO:
LNS ACCT. #0510052

RANDI JOHL, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, DECEMBER 6, 2012

ORDERED BY: RANDI JOHL
CITY CLERK


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at _____ (time) on _____ (date) _____ (pages)
LNS _____ Phoned to confirm receipt of all pages at _____ (time) _____ MB _____ JMR (Initials)



DECLARATION OF POSTING

**PUBLIC HEARING TO EXTEND INTERIM ORDINANCE NO. 1867, AN UNCODIFIED
INTERIM URGENCY ORDINANCE IMPOSING A MORATORIUM ON 1) THE
OUTDOOR CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY OF LODI
AND 2) THE INDOOR CULTIVATION OF MEDICAL MARIJUANA THAT CREATES A
PUBLIC NUISANCE**

On Thursday, December 6, 2012, in the City of Lodi, San Joaquin County, California, a Notice of Public Hearing to extend interim Ordinance No. 1867, an uncoded interim urgency ordinance imposing a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance (attached and marked as Exhibit A) was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 6, 2012, at Lodi, California.

ORDERED BY:

**RANDI JOHL
CITY CLERK**


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA DITMORE
ADMINISTRATIVE CLERK



DECLARATION OF MAILING

PUBLIC HEARING TO EXTEND INTERIM ORDINANCE NO. 1867, AN UNCODIFIED INTERIM URGENCY ORDINANCE IMPOSING A MORATORIUM ON 1) THE OUTDOOR CULTIVATION OF MEDICAL MARIJUANA WITHIN THE CITY OF LODI AND 2) THE INDOOR CULTIVATION OF MEDICAL MARIJUANA THAT CREATES A PUBLIC NUISANCE

On December 6, 2012, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing Notice of Public Hearing to extend interim Ordinance No. 1867, an uncodified interim urgency ordinance imposing a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance, attached hereto Marked Exhibit A. The mailing list for said matter is attached hereto, marked Exhibit B.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 6, 2012, at Lodi, California.

ORDERED BY:

RANDI JOHL
CITY CLERK, CITY OF LODI


JENNIFER M. ROBISON, CMC
ASSISTANT CITY CLERK

MARIA BECERRA
ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: December 19, 2012

Time: 7:00 p.m.

For information regarding this notice please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, December 19, 2012**, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following item:

- a) **to extend interim Ordinance No. 1867, an uncodified interim urgency ordinance imposing a moratorium on 1) the outdoor cultivation of medical marijuana within the City of Lodi and 2) the indoor cultivation of medical marijuana that creates a public nuisance.**

Information regarding this item may be obtained in the City Attorney's Office, 221 West Pine Street, Lodi, (209) 333-6701. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 West Pine Street, 2nd Floor, Lodi, 95240, at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Randi Johl
City Clerk

Dated: December 5, 2012

Approved as to form:

D. Stephen Schwabauer
City Attorney

**Public Hearing to Extend Interim Ordinance No. 1867, an Uncodified Interim
Urgency Ordinance Imposing a Moratorium on 1) the Outdoor Cultivation of
Medical Marijuana within the City of Lodi and 2) the Indoor Cultivation of
Medical Marijuana that Creates a Public Nuisance**

MAILING LIST

Robin Rushing
1390 W. Lockeford St.
Lodi, CA 95242

Wilma Bianchi
317 Finch Run
Lodi, CA 95240

Joshua Dougherty
311 Finch Run
Lodi, CA 95240